
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chang et al.

Attorney Docket No.: DKTRP003

Application No.: 10/086,268

Examiner: Nguyen, Steven H D

Filed: March 4, 2002

Group: 2419

Title: APPARATUS AND METHOD FOR
INTEGRATED VOICE GATEWAY

Confirmation Number: 5167

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on November 7, 2008.

Signed: _____/Laura M. Dean/
Laura M. Dean

**TRANSMITTAL OF REPLY BRIEF
IN RESPONSE TO EXAMINER'S ANSWER**

Mail Stop Appeal Brief-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is the Reply Brief In Response To Examiner's Answer mailed September 26, 2008.

This reply brief is being filed within two (2) months of the mailing date of the Examiner's Answer.

Applicant believes that no extension of time is required. If an additional extension of time is required, however, please consider this a petition therefor.

☒ Charge any additional fees or credit any overpayment to Deposit Account No. 50-4481, (Order No. DKTRP003).

Respectfully submitted,
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex Parte CHANG

Application for Patent: 10/086,268

Filed: March 4, 2002

Group Art Unit: 2619

Examiner: NGUYEN, Steven H D

For:

APPARATUS AND METHOD FOR INTEGRATED VOICE GATEWAY

REPLY BRIEF

DKTRP003

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Signed: _____/Laura M. Dean/
Laura M. Dean

1. REAL PARTY IN INTEREST

The real parties in interest are:

DKR SoundShore Oasis Holding Fund Ltd.
c/o Codan Trust Companies (Cayman) Limited
Century Yard, Cricket Square
Hutchins Drive
P.O. Box 2681 GT
George Town, Grand Cayman
KY1-1111
Cayman Islands

and

Trinad Capital Master Fund, Ltd.
c/o Charlie Bentz, CFO
2121 Avenue of the Stars, Suite 2550
Los Angeles, CA 90035

2. RELATED APPEALS AND INTERFERENCES

There is a related appeal in application no. 10/086,602. (Atty. Docket No.: DKTRP002)

3. STATUS OF CLAIMS

The following claims have been rejected and appealed: claims 1-15.

The following claims have been cancelled: NONE.

The claims on appeal are reproduced below in the Appendix at Section 9 of this Appeal Brief.

4. STATUS OF AMENDMENTS

No amendments were filed subsequent to final rejection.

5. ARGUMENT

The Examiner states, in the “Response to Argument” section of the Reply Brief that (emphasis in original)

In the appeal brief, the appellant states that Maroulis, Rogers and Ford fail to disclose a [sic] enterprise directory as disclosed in the specification “**The enterprise directory 90 is a company-wide general purpose directory or**

global database of named objects including users, network devices (e.g., routers, gateways), and network services (e.g. print servers), etc.” by using information that do not [sic] disclose in the specification such as

This statement of the Examiner seriously mischaracterizes Applicant’s argument, since what Applicant actually argued is that, one of ordinary skill in the art (i.e., one with knowledge of the various references cited by the Applicant from around the time of Applicant’s filing), looking at the plain meaning of the claim terms and taking the specification as a whole, would understand that the claim language “wherein the enterprise directory is a directory of named objects, including users, network devices and network services” is not covered by a general purpose directory such as that disclosed by the cited Rogers (and perhaps Ford) references.

In fact, with regard to the language quoted by the Examiner, Applicant actually stated, in footnote 2 on page 16 of the Appeal Brief,

It is noted that, at [0085] of Applicant’s specification, it is stated that “the enterprise directory 90 is a company-wide general purpose directory or global database of named objects including users, network devices (e.g. routers, gateways), and network services (e.g. print servers).” However, this isolated statement using the term “database” does not give one of ordinary skill in the art notice that the Applicant intends an “uncommon definition” that, if taken this way, would be entirely inconsistent with the remainder of the specification, let alone the ordinary and customary meaning “as evidenced by a variety of sources.”

The Examiner, disingenuously, characterizes the statement from [0085] cited in footnote 2 as the Applicant arguing that this statement provides support for the proposition that, contrary to the Examiner’s contentions in the final rejection, Rogers (and perhaps Ford) do not disclose an “enterprise directory” as recited in the claims.

As can be easily seen, what Applicant actually argued is that the use of the statement from [0085] is an isolated instance that uses the term “database” and would not give one of ordinary skill in the art notice that the Applicant contends an “uncommon definition” of the term “enterprise directory.” Rather, the overwhelming evidence is that one of ordinary skill in the art, reading Applicant’s specification and knowing the content of references from around the time of the filing of the present patent application, would understand that the term “enterprise directory” has its “plain meaning” and “ordinary and customary meaning,” which does not include a general purpose database.

6. CONCLUSION

In view of the foregoing and the arguments set forth in the Appeal Brief, it is respectfully submitted that the Examiner's rejection of claims 1-11 as being unpatentable over Maroulis, Ford and Rogers is erroneous. Furthermore, the rejection of claims 12-13 and 14-15 as being unpatentable over Maroulis, Ford and Rogers, and further in view of Petty, is also erroneous. Accordingly, the rejection of claims 1-15 under 35 U.S.C. §103 should be reversed.

Respectfully submitted,
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